



47

PATENT
ATTY. DOCKET N1305-022

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: **Michael Edwin Kuehn et al.**
Serial No.: 10/038,100
Filed: January 3, 2002
Group Art Unit: 1632
Examiner:
For: **Inbred Tomato Line 294**

RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION
FILING DATE GRANTED

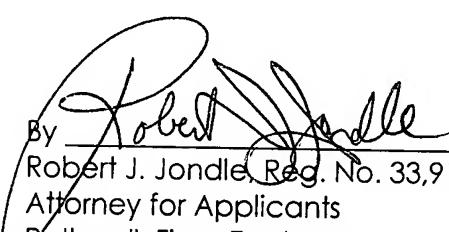
U.S. Patent & Trademark Office
Box Missing Parts
Washington, D. C. 20231

Dear Sir:

In response to the Notice to File Missing Parts of Application Filing Date Granted dated March 19, 2002, enclosed herewith are signed and dated Declarations and Powers of Attorney. Also enclosed is a copy of the Notice To File Missing Parts of Application.

Enclosed is our check in the amount of \$1,086 for payment of the filing fee, additional claims and the required surcharge (1.16(e)) of \$130 for large entity. If additional charges are required, please charge them to Deposit Account No. 02-2135 maintained in the name of Rothwell, Figg, Ernst & Manbeck.

Respectfully submitted,

By 
Robert J. Jondle, Reg. No. 33,915
Attorney for Applicants
Rothwell, Figg, Ernst & Manbeck
1425 K Street, N.W., Suite 800
Washington, D.C. 20005
(402) 333-1550



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/038,100	01/03/2002	Michael Edwin Kuehn	N1305-022

6449
ROTHWELL, FIGG, ERNST & MANBECK, P.C.
1425 K STREET, N.W.
SUITE 800
WASHINGTON, DC 20005

CONFIRMATION NO. 5350
FORMALITIES LETTER



OC000000007665895

Date Mailed: 03/19/2002



NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 740 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).
- Total additional claim fee(s) for this application is \$216.
■ \$216 for 12 total claims over 20.
- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 1086.**

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

00000083 10038100
740.00
216.00
1086.00
05/06/2002 HMARZ11
01 FC101
02 FC103
03 FC105

O I P E
MAY 03 2002
P A T E N T O F F I C E U S P T O

T.D MPB
J3

TRANSMITTAL FORM

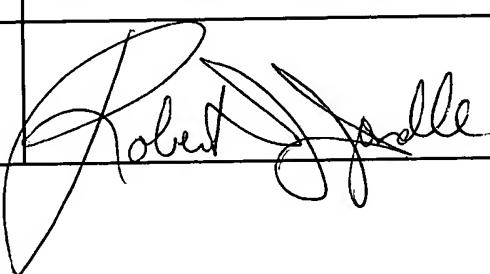
(to be used for all correspondence after initial filing)

Complete if Known

		Application Number	10/038,100
		Filing Date	January 3, 2002
		First Named Inventor	Michael Edwin KUEHN
		Examiner Name	
		Group Art Unit	1632
Total Number of Pages in This Submission 7		Attorney Docket Number	N1305-022

ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers	<input type="checkbox"/> After Allowance Communication to Group
<input checked="" type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input checked="" type="checkbox"/> After Final	<input type="checkbox"/> Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	REMARKS:
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s)	
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application		
<input checked="" type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

SUBMITTED BY		Complete (if applicable)		
NAME AND REG. NUMBER	Robert J. Jondle, Reg. No. 33,915			
SIGNATURE		DATE	May 1, 2002	DEPOSIT ACCOUNT USER ID

FEE TRANSMITTAL
for FY 2001
(Large Entity)

MAY 03 2002

FEE TRANSMITTAL
for FY 2001
(Large Entity)

FEE TRANSMITTAL
for FY 2001
(Large Entity)

FEE TRANSMITTAL
for FY 2001
(Large Entity)

		Complete if Known	
		Application Number	10/038,100
		Filing Date	January 3, 2002
		First Named Inventor	Michael Edwin KUEHN et al.
		Examiner Name	To Be Assigned
		Group Art Unit	1632
Total Amount of Payment	(\$1,086)	Attorney Docket Number	N1305-022

METHOD OF PAYMENT (check one)

1. The Commissioner is hereby authorized to charge additional fees and credit any overpayment to Deposit Account Number 02-2135 in the name of Rothwell, Figg, Ernst & Manbeck
- Charge any Additional Fee Required Under 37 CFR 1.16 and 1.17
- Applicant claims small entity status
2. Payment Enclosed: Check

FEE CALCULATION

1. FILING FEE

Fee Code	Fee \$	Fee Description	Fee Paid
101	740	Utility filing fee	[740]
106	330	Design Filing Fee	[]
107	510	Plant Filing Fee	[]
108	740	Reissue Filing Fee	[]
114	160	Provisional Filing Fee	[]

SUBTOTAL \$ 740

2. CLAIMS

Paid	Extra Claims	Fee	Fee
Total Claims	[32] - 20** = [12] x	\$18 =	[216]
Independent Claims	[2] - 3** = [] x	84 =	[]
Multiple Dependent Claims	+ 280 =	[]	

*or number previously paid, if greater;

SUBTOTAL \$ 216

FEE CALCULATION (continued)

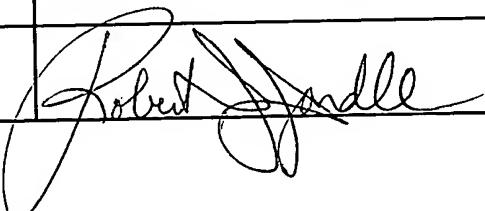
3. ADDITIONAL FEES

Fee Code	Fee Paid	Fee Description	Fee Paid
105	130	Surcharge - late filing fee or oath	[130]
127	50	Surcharge - late provisional filing fee or cover sheet	[]
139	130	Non-English specification	[]
147	2,520	For filing a request for reexamination	[]
112	920	Requesting publication of SIR prior to Examiner action	[]
113	1,840*	Requesting publication of SIR after Examiner action	[]
115	110	Extension for reply within first month	[]
116	400	Extension for reply within second month	[]
117	920	Extension for reply within third month	[]
118	1,440	Extension for reply within fourth month	[]
128	1,960	Extension for reply within fifth month	[]
119	320	Notice of Appeal	[]
120	320	Filing a brief in support of an appeal	[]
121	280	Request for Oral Hearing	[]
138	1,510	Petition to institute a public use proceeding	[]
140	110	Petition to revive -unavoidable	[]
141	1,280	Petition to revive -unintentional	[]
142	1,280	Utility issue fee (or reissue)	[]
143	460	Design issue fee	[]
144	620	Plant issue fee	[]
122	130	Petitions to the Commissioner	[]
123	50	Petitions related to provisional applications	[]
126	180	Submission of Information Disclosure Statement	[]
581	40	Recording each patent assignment per property (times number of properties)	[]
146	740	Filing a submission after final rejection (37 CFR 1.129(a))	[]
149	740	For each additional invention to be examined (37 CFR 1.129(b))	[]
179	740	Request for Continued Examination (RCE)	[]
169	900	Request for expedited examination of a design application	[]
		Other fee (specify)	

* Reduced by Basic Filing Fee Paid

SUBTOTAL \$130

Complete (if applicable)

SUBMITTED BY				
NAME AND REG. NUMBER	Robert J. Jondle, Ph.D Reg. No. 33,915			
SIGNATURE		DATE	May 1, 2002	DEPOSIT ACCOUNT USER ID